

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARCY C., pseudonmously,

Plaintiff(s),

v.

MGM RESORTS INTERNATIONAL, et al.,

Defendant(s).

Case No.2:24-CV-2027 JCM (MDC)

ORDER

Presently before the court are defendants' motions to dismiss. (ECF Nos. 11, 12, 85, 86, 87, 91, 92, 93, 94, 95, 96, 97). Plaintiff filed a consolidated response and countermotion for leave to amend the complaint. (ECF No. 116).

Pursuant to the local rules, plaintiff's filing is procedurally improper. Parties must file points and authorities in response to a motion to dismiss within 14 days after service of the motion. LR 7-2(b). Plaintiff missed that deadline with respect to every motion.

Further, plaintiff cannot consolidate two different forms of relief in one filing. LR IC 2-2(b). "[S]eparate documents must be filed for a response to a motion and a countermotion, with the appropriate event selected for each document, rather than filing a response and countermotion in one document." *Id.* Plaintiff's filing is thus violative of the local rules and STRICKEN from the docket.

The failure of an opposing party to file points and authorities in response to a motion constitutes consent to granting of the motion. LR 2-2(d). Accordingly, the court grants defendants' motions to dismiss (ECF Nos. 85, 96, 97, 91, 92, 93, 94, 95, 96, 97) plaintiff's claims without prejudice.

1 The court declines to grant defendant Esa P. Portfolio's motions to dismiss (ECF Nos. 11,
2 12) for procedural deficiencies. Under the Federal Rules of Civil Procedure, a party may not file
3 multiple pre-answer motions raising separate Rule 12(b) defenses that could have been brought in
4 a single motion. Fed. R. Civ. P. 12(g)(2). Here, defendant Esa P. Portfolio argues for dismissal
5 separately under 12(b)(1) and 12(b)(6). Accordingly, the motions are denied with leave to refile.

6 Finally, the parties filed a stipulation in June agreeing to a proposed scheduling order and
7 discovery plan "[t]o the extent that the Court's decisions on the motions to dismiss do not fully
8 dispose of this matter." ECF No. 82 at 4. In light of the claims' dismissal, the court denies the
9 stipulation as moot.

10 Accordingly,

11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants Red Lion
12 Hotels Corporation, WHC816, LLC, RL Salt Lake, LLC, MGM Resorts International, New Castle,
13 LLC, The Mirage Casino-Hotel, LLC, Las Vegas Sands Corp., La Quinta Franchising, LLC,
14 CPLG Properties, LLC, Wynn Las Vegas, LLC, Treasure Island LV, LLC, Choice Hotels
15 International, Inc., Parball Newco, LLC, and Salt Lake Lodging's motions to dismiss (ECF Nos.
16 85, 86, 87, 91, 92, 93, 94, 95, 96, 97) be, and the same hereby are, GRANTED.

17 Plaintiff Marcy C.'s claims under 18 U.S.C. § 1595 (Count I), C.R.S. 13-21-127 (Count
18 II), Utah Code 77-38-15 (Count III), premises liability (Count IV), and intentional infliction of
19 emotional distress (Count V) are DISMISSED without prejudice, with leave to amend. Plaintiff
20 may refile an amended complaint reflecting the proper claims, defendants, and venue within 21
21 days of the date of this order.

22 IT IS FURTHER ORDERED that the defendant Esa P. Portfolio's motions to dismiss (ECF
23 Nos. 11, 12) be, and the same hereby are, DENIED without prejudice.


24 IT IS FURTHER ORDERED that plaintiff's motion to extend time to respond to defendant
25 Esa P. Portfolio's motion (ECF No. 40) be, and the same hereby is, DENIED as moot.

26 IT IS FURTHER ORDERED that the parties' stipulation regarding the discovery plan and
27 scheduling order (ECF No. 82), be, and the same hereby is, DENIED as moot.

28 . . .

1 IT IS FURTHER ORDERED that the remaining motions on the docket relating to severing
2 plaintiff's claims (ECF Nos. 126, 132) be, and the same hereby are, DENIED as moot.

3 DATED July 17, 2025.

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6 UNITED STATES DISTRICT JUDGE
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